

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

NACHMAN HELBRANS,

Defendant.

USDC SDNY
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19-CR-497-01 (NSR)

ORDER

Nelson S. Román, United States District Judge:

Defendant Nachman Helbrans (“Defendant”), along with four co-defendants, is charged in a four-count indictment with, *inter alia*, International Parental Kidnapping, 18 U.S.C. § 1204(a) and (2); and Conspiracy to Commit Kidnapping, 18 U.S.C. § 371. (*See* Indictment, (ECF No. 49).) On January 29, 2021, Defendant, represented by counsels Bruce Koffsky, Esq. and Peter Schaffer, Esq., sought *de novo* review, pursuant to 18 U.S.C. § 3145(b), of the magistrate judge’s decision ordering that Defendant be detained pending trial. *United States v. Leon*, 766 F.2d 77, 80 (2d Cir. 1985).

Pursuant to 18 U.S.C. § 3142(e), a defendant should be detained if “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1). The statute requires courts to assess whether a defendant is either “(1) a danger to the community or (2) a risk of flight.” *United States v. Epstein*, 425 F. Supp. 3d 306, 312 (S.D.N.Y. 2019) (citing 18 U.S.C. § 3142(e)). A court does not need to find that both bases are proven to order a defendant’s detention. *Id.*; *see also United States v. Blanco*, 570 F. App’x 76, 78 (2d Cir. 2014) (declining to consider whether a risk of danger to the community warranted detention where there was a finding of risk of flight). Following a hearing and oral argument, it is this Court’s determination that the Defendant poses both a danger to the community and a flight risk warranting a denial of the Defendant’s application that he be released on bail pending trial. The parties are directed to the *de novo* bail hearing minutes and transcript to review the arguments made by the respective parties and the full extent of the Court’s reasoning.

The Defendant is ordered to be detained pending trial.

February 10, 2021
White Plains, NY

SO ORDERED

A handwritten signature in dark ink, appearing to read "Nelson S. Román", is written over a horizontal line.

Hon. Nelson S. Román
U.S. District Court Judge, S.D.N.Y.